

ARTICLE APPEARED  
ON PAGE 56

U.S. NEWS & WORLD REPORT  
13 August 1984

# Ten Years Later, the Impact of Watergate

**The White House, Congress, FBI, CIA—much of government was altered by the scandal that cost a President his office. Now, experts say that some of the effects are fading.**

Watergate: A trauma that forever transformed America, or merely a historical footnote?

Ten years ago on August 9, a disgraced Richard Nixon ended a national nightmare by resigning the Presidency under threat of impeachment.

Today, the lasting significance of the events that began with a botched burglary of the Democratic headquarters in Washington's Watergate office complex and ended with the fall of an administration is still hotly debated.

Evidence of Watergate's impact abounds—a less arrogant Presidency, a more assertive Congress, a more responsible Federal Bureau of Investigation and Central Intelligence Agency, a more open bureaucracy and a more tightly controlled federal-election system.

The scandal's chief legacy, in the view of many experts, has been to instill in all public officials a sense of accountability often missing before Watergate. "In all three branches of government," observes senior FBI aide John Hotis, "officials now look not only at the legality of their conduct but also the propriety."

But with the dimming of memories—dramatized by Nixon's own emergence from the shadows of disgrace—many experts see the changes wrought by Watergate becoming blurred as the government slides back to its pre-Watergate ways. "For a time, Washington seemed aware of the dangerous fruits of secrecy," says Archibald Cox, the special Watergate prosecutor fired by Nixon. "Unfortunately, there is reason to believe the lesson is being forgotten."

Of most concern to reformers like Cox: The continuing impact of big-money contributors on politics, a Reagan administration drive to weaken post-Watergate restrictions on the FBI and revelations that the CIA still conducts covert activities without fully informing responsible officials.

The Watergate crucible showed that the system of checks and balances worked, but it exposed serious problems—a Presidency that had become all-powerful, a growing government taste for secrecy, a political system rife with corruption and a Congress reluctant to probe the Executive Branch.

The reform mood that swept the capital in the scandal's aftermath spawned many changes. Politicians were subjected to new ethics and campaign rules. The intelligence community came under close scrutiny. Federal agencies moved to insulate themselves against further abuses. Procedures were established under the Freedom of Information Act for public access to previously withheld government records. And Congress, anxious to end the "imperial Presidency," sought to regain its lost status as a co-equal branch.

## The White House: Power Eroded

Watergate's shadow lies most heavily over the White House.

Aides must now comply with both tough ethics standards and rules that discourage use of federal agencies for

political purposes—a major contributor to Nixon's downfall.

Most important, experts conclude, is that the public no longer perceives the President as a near-mythical being who can do no wrong. The trust-shattering combination of Watergate and Vietnam, followed by the weakened tenures of Presidents Ford and Carter, ended that. Explains Thomas Cronin, professor of political science at Colorado College: "The storybook or the textbook Presidency—the romanticized view taught to schoolchildren that the President must know best—is no longer present."

Adds political scientist Louis W. Koenig of New York University: "The Presidency has come off its pedestal."

The Presidency today is a far cry from the office as Nixon and some of his predecessors knew it. Apart from Vietnam, Nixon conducted foreign policy with little interference from Congress. When he found fault with budget outlays, he impounded funds. When oversight of federal agencies became a problem, he appointed department heads as White House counselors, thus shielding them from a prying Congress under a cloak of "executive privilege."

Ronald Reagan's powers are more limited. Although hailed as the strongest post-Watergate President, he often complains of undue constraints placed on him by Congress, particularly in the areas of budget and foreign affairs. Also, the Supreme Court has barred Presidents from holding back appropriated funds and from imposing so-called executive privilege to shield illegalities.

Where Nixon and his predecessors often exposed U.S. troops to hostile situations abroad, Reagan must seek Congress's approval. Last winter, the lawmakers invoked the War Powers Act—a byproduct of Vietnam and Watergate—to impose an 18-month deadline on U.S. participation in the multinational peacekeeping force in Lebanon. More recently, they shut off U.S. aid to the CIA-backed rebels fighting Nicaragua's leftist government.

The changes go beyond power. Ethical standards, say officials, are much higher than in Nixon's day. "People are much more aware and sophisticated about the potential for appearances of impropriety," comments White House legal counsel Fred Fielding, who brings to his present job the perspective of a man who also served Nixon as an aide.

Stricter standards are evident in the fate of several Reagan administration officials, starting with former national security adviser Richard Allen. Allen felt obliged to quit in 1982 amid a dispute over the origin and purpose of \$1,000 in cash that turned up in his office safe.

Similarly, Max Hugel had only briefly been chief of the CIA's clandestine operations when he was asked to step down because of questions about his business dealings. A dozen top officials of the Environmental Protection Agency quit in a flap over political misuse of the Superfund toxic-waste cleanup program. Currently, the Justice Department has an independent investigator looking into the finances of Edwin Meese, Reagan's nominee for Attorney General.

Continued

Closer scrutiny by Congress, law-enforcement agencies and the press has prompted the White House to be more cautious about its nominees for key positions. For one thing, when running background checks on presidential appointees, the FBI now asks if candidates ever have been targets of lawsuits, investigations or censure by professional groups.

Only three weeks after the current administration came to power, Fielding set rules requiring White House aides to go through his office whenever they had questions for the Justice Department on specific investigations. "The rules have been very effective," he says. "There have been a couple of instances where people have gone out of track. I can think of four or five cases in four years. That's not bad."

Experts disagree as to whether, on balance, Watergate changed the White House for the better. One school argues that an imperial Presidency has been so emasculated by post-Watergate laws that it has become the imperiled Presidency, unable to act decisively.

Another holds that a skillful President still can lead effectively. "You get a Roosevelt or a Reagan in there and things turn around real fast," contends Professor Koenig. "It's obvious from Reagan's performance that a lot depends on who's there."

### Congress: Flexing Muscles

On Capitol Hill, Watergate accelerated a process that had begun earlier with discontent over the Vietnam War.

Unilateral actions of Presidents during the war—among them the secret bombing of Cambodia ordered by Nixon—led lawmakers to begin challenging the Chief Executive's role in foreign policy. One important step: The War Powers Act of 1973, limiting a President's authority to involve the U.S. in hostilities abroad.

Vietnam planted seeds of distrust in a Congress that more often than not had been deferential in its approach to the Presidency. Lawmakers had tended to ask few questions, even renewing a Nixon "discretionary" fund after being told its purpose was none of their business.

Congress was accustomed to exercising only sporadic oversight of federal agencies. Although Senate and House committees ultimately helped expose the facts of Watergate, the initial reaction was a characteristic indifference.

Coming on top of Vietnam, Watergate was the last straw. It left Congress combative, more partisan and ready to buck the White House at virtually every turn.

Determined to reassert themselves on budgetary matters as well as foreign policy, post-Watergate lawmakers created a Congressional Budget Office to produce a spending plan

to compete with the President's. A desire for independent data of all kinds helped swell the congressional staff from 14,539 in 1973 to more than 20,000 at present—at a cost topping 642 million dollars a year.

Today, hundreds of staffers are assigned to monitor government agencies, including the CIA and other intelligence-gathering bodies. Between them, the House and Senate have nearly 60 employees riding herd over espionage agencies at a cost of more than 2.5 million dollars a year.

But the agencies being watched do not always cooperate. A recent case in point: The CIA's secret mining of Nicaraguan harbors, an activity that seemed to breach agreements requiring that Congress be informed of such covert operations. "It's the same old story," commented a senior aide to the House Select Committee on Intelligence. "If you don't know the right question to ask, you don't get the information."

Another congressional response to Watergate was enactment of ethics measures affecting all of government.

Watchdog inspectors general were assigned to federal departments to root out wrongdoing. An Office of Government Ethics was created to police conflict-of-interest and disclosure rules. A mechanism—so far seldom used—was provided for the Justice Department to seek appointment of a special prosecutor to probe official misconduct. And, in an attempt to prevent political misuse of the Internal Revenue Service, strict limits were placed on disclosure of tax-return information.

Congress also set about reforming itself. Financial-disclosure laws were adopted. A revolt against powerful committee chairmen was led by the "Watergate class" of 1974—members elected at the height of indignation over the scandal. The importance of seniority was downgraded, and more of the business of Congress was opened to the public.

Despite such efforts, Congress was stunned by a series of revelations of corruption among its own members. Post-Watergate years saw more lawmakers than administration officials cited and punished for various offenses. In the Abscam scandal alone, seven members of Congress were convicted of bribe taking or related charges.

Now, say many lawmakers, much of the power Congress accumulated after Watergate appears to be shifting back to the White House. "The President was weaker for a time," observes Representative Don Edwards (D-Calif.). "But under Reagan, a very aggressive President who goes his own way, the President's power is increasing in issues involving foreign policy, civil rights and education, among others."

### The FBI: Becoming More Independent

In Nixon's era, questionable White House demands on the Justice Department and FBI were routine.

At one point, the FBI was asked to devote itself to the task of providing data on criminal-justice issues that might help Nixon in his 1972 campaign. As Watergate unfolded, the White House even requested—and obtained—confidential summaries of FBI interviews with Nixon aides.

That would not happen today, say knowledgeable sources. Now, the FBI chief serves a 10-year nonrenewable term, which helps shield him from political pressure. Formal guidelines have been established for FBI dealings with the White House and the Attorney General. Rules limit the scope of criminal investigations, intelligence gathering and background checks of prospective federal appointees.

Many law-enforcement abuses that came to light in the early 1970s involved overzealous efforts to investigate so-called subversives, many of whom were guilty only of criticizing Nixon. Phones of government officials, reporters and political activists were tapped and anti-Nixon groups infiltrated by undercover agents.

Such activities have been reduced substantially by laws

(Continued)

making it harder to obtain permission for wiretaps on national-security grounds, and by the FBI's own guidelines limiting investigations of suspected subversives. Nowadays, the bureau is involved in only a few dozen security investigations at any time, in contrast to thousands of cases under way in the last years of J. Edgar Hoover.

"From all we know, the FBI is focusing on criminal cases, not on lawful political activity," says Jerry Berman of the American Civil Liberties Union, which monitors FBI activities. "This is a major change—a bench mark—that Watergate helped to produce. There is no evidence that the FBI is playing political games with the White House."

### Politics: Finding the Loopholes

As a direct result of Watergate, a major overhaul of campaign-finance laws was undertaken in 1974.

Amid high-minded talk of cleansing the political system, the Federal Election Commission was set up to enforce disclosure of campaign expenditures, and federal financing of presidential elections was enacted. Among other things, the goal was to discourage illegal corporate contributions such as those funneled into Nixon's 1972 re-election drive.

A decade later, critics say the reforms have proved sorely inadequate as specialists have found ways to render meaningless the limits on both spending and contributions.

Moreover, the commission rarely examines campaign reports submitted by members of Congress.

Myriad loopholes have allowed candidates and parties to evade the law's purpose. For instance, nothing prohibits parties from regularly collecting and shipping contributions to states with few or no spending limits. There it is used to help federal as well as state and local candidates—all legal as long as the money is spent by the state organizations for party-building activity.

Both major parties are using large sums of corporate money to pay for party-headquarters expenses, with no disclosure required. Those contributions, in turn, free millions in party funds for campaigning. The law limits only those corporate contributions that go directly to candidates.

Nor do spending limits apply to so-called independent outlays that a group makes on behalf of a candidate without specific authorization. Political action committees—PAC's—set up by corporations, trade groups and others are permitted to spend as much as they wish as long as they do not operate in concert with the candidate's campaign.

"Everyone wanted to be as clean as Caesar's wife when the Watergate hearings were on," noted a legal expert in campaign finance. "Now, the attitude has changed tremendously. People aren't threatened with the prospect of going to jail, so they pretty much do as they please." □

By WILLIAM L. CHAZE with JOSEPH P. SHAPIRO, THOMAS J. FOLEY, TED GEST and COURTNEY R. SHELDON